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THE BABYLONIAN PRACTICE OF MARKING SLAVES

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A PRACTICE connected with Babylonian slavery, knowledge of which is involved in considerable obscurity, is that of the method of marking slaves. The interpretation of this custom depends largely upon the meaning assigned to *galabu*,¹ *abuttu*, and *muttatu*. Laws I and II of the *Sumerian Family Laws* provide as the penalty to be imposed on a child who repudiates his parents: DUBBIN MI-NI-IN-ŠA-A, for disloyalty to father, and MUTTATI-A-NI DUBBIN ŠA-NE-IN-SI-EŠ, for disloyalty to mother. The sign transliterated DUBBIN may mean 'a sharp pointed instrument', 'finger', or 'nail-mark' (OBW 104). But DUBBIN MI-NI-IN-ŠA-A is translated in the Akkadian text, *u-gal-la-ab-su*. This part of the law has been translated by Lenormant (*EA* 3, p. 22), 'ils lui rasant'; by Sayce (*Records of the Past* 3, p. 24) 'confirming it by (his) nailmark (on the deed)'; by Oppert (*Doc. Jur.* 56, l. 26) 'et confirmat ungue impresso'; by Müller (*Gesetze Ham.* 270) 'macht er ihm ein Mal'; and Winckler (*Gesetze Ham.* 85), 'soll er ihm die Marke schneiden.' Haupt in his *Sumerische Familien-Gesetze* (p. 35) stated that the expression should not be read 'er legt ihm den Fingernagel an,' but 'er scheert es.' Jensen (*KB* 6, p. 377, l. 11) believed *galabu* to mean 'cut', referring to incised marks, and DUBBIN to be the instrument of cutting. MUTTATI-A-NI DUBBIN ŠA-NE-IN-SI-EŠ is translated in the Semitic text *mu-ut-ta-aš-šu u-gal-bu-ma*, which Sayce translated 'his hair is cut off'; Oppert (*Doc. Jur.* 57, l. 31) 'et

¹ For an early interpretation of *galabu* and *muttatu*, see *ZA* 3, pp. 101, 231.

sigillo impresso confirmat'; Bertin (*TSBA* 8 p. 255), 'his phallus and nails also they shall cut him'; Müller (*Gesetze Ham.* 271), 'ihm ein Mal auf sein Gesicht macht'; and Winckler (*Gesetze Ham.* 85), 'so soll man ihm seine Marke schneiden'. The sign 𒍪 is, according to Barton, of unknown origin (*OBW.* 426), and is usually read *muttatu* (Br. 9861, M. 7487). The phonetic ŠU-I in the Code has been read *galabu* (Br. 7148, M. 5143), and appears only in Col. XXXV, §§ 226, 227, where it refers both to the agent of the operation and the operation itself. These laws provide that if a ŠU-I, without the consent of the owner of a slave, *ab-bu-ti warad la še-e-im u-gal-li-ib*, his hand should be cut off; and if any one deceive a ŠU-I and induce him to *ab-bu-ti warad la še-e-im u-gal-li-ib*, that man should be put to death, and the ŠU-I upon swearing he did not mark the slave knowingly, should go free. *Ab-bu-ti* has been interpreted in these laws as 'a mark'.² The expression *la še-e-im* has been translated: Scheil (*DP* 4, p. 156), 'inaliénable'; Winckler (*Gesetze Ham.* 63) 'unverkäuflich(?)'; Peiser (*KU* 1, p. 63), 'unsichtbar'; Harper (p. 81), 'that he cannot be sold', and Barton,³ 'unsalable'. § 127 provides that if a man falsely accuse a sacred woman, he shall be brought before the judge and *mu-ut-ta-zu u-gal-la-bu*.

The word *abuttu* is employed also in § 146 which states that if an *amtu* who has borne children attempt to take rank with her mistress, the mistress may *ab-bu-ut-tam i-sa-ak-ka-an-ši-ma*, and count her among the maid servants. This has been interpreted by Scheil (*DP* 4, p. 71), 'une marque elle lui fera'; Winckler,⁴ 'zur Sklavenschaft soll sie sie tun'; Peiser (*KU* 1, p. 42), 'Fesseln legt sie ihr an'; Harper (p. 51) and Barton,⁵ 'she may reduce her to bondage'. That the Sumerian laws remained in force for a long period, we have evidence from documents requiring this same type of punishment in the case of a child who repudiates his adoptive father (Schorr 9), a woman, her sister (*op. cit.* 5), a slave her mistress (*op. cit.* 77), a slave his mistress who has adopted him (*op. cit.* 35), the daughter of a

² Scheil, *DP* 4, p. 156; Johns, *Bab. and Ass.* 63; *KU* 1, p. 63; Barton, *Arch. and Bible*, 335; Müller 60, Winckler 63.

³ *Arch. and Bible*, p. 335.

⁴ *Gesetze Ham.* 42, cf. n. 2.

⁵ *Arch. and Bible*, p. 327.

sacred woman her adoptive mother (*op. cit.* 83), and a son his adoptive parents (*op. cit.* 8). In all these documents the custom is expressed by use of the word *galabu* alone. *Muttatu galabu* appears as the penalty inflicted on the loser of a law-suit (*op. cit.* 263, 264).

Galabu is related to the Hebrew *gallâb*, 'barber' cf. Ez. 51. Johns (*ADD* 2, § 174) believes the *amêl* ŠU-I or *galabu* to be a haircutter, who 'cut, or scratched, a mark on the skin of a slave, to serve as a mark of ownership'. The ŠU-I is mentioned with lists of officials.⁶ Meissner (*MAP* p. 152), would read *galabu* in the contract literature 'ein Mal machen', rather than 'scheeren' (Haupt, *Sum. Fam. Ges.* 35). It is used not only in contract literature, but in omen and magical texts. *Galabu* describes the treatment to be practised on a snake if he appeared to a man at a certain time as an ill-omen;⁷ and it is used with *zimri* to indicate bodily injury (*op. cit.* 1, p. 369). The word occurs in a Cappadocian tablet, where it has been translated 'castration'.⁸ The custom of castrating slaves has been common, as for example, among the Romans.⁹ According to Xenophon,¹⁰ such treatment was thought to make them better servants because they had no family ties. It would however be absurd to suppose that this was a customary mark of slavery in Babylonia.

Abuttu, according to Delitzsch (*HWB* 13) and Muss-Arnolt (*Dict.* 12), means 'fetter'. Haupt (*Sum. Fam. Ges.* 35) identifies it with עֲבֻדָּה, 'service', and Zimmern (*BB* 59) with עָבַט, 'to bind'. Besides the occurrences above quoted, *abuttu* is used in a birth-omen text which states what will happen if a woman bear a child *ab-bu-ut-ta* (Jastrow, *Rel.* 2, p. 928). With this text Jastrow compares another line which interprets an omen in case a woman bears a child *bi-ir-tum*, which he translates 'with a fetter', but which Frank (*Studien* 152, l. 20) leaves

⁶ *MAP* p. 130; *AJSL* 21, p. 75.

⁷ Jastrow, *Rel.* 2, p. 778. The snake's head is to be covered and his sides *galabu*.

⁸ *Babylonica* 2, p. 29 and note.

⁹ Cf. Buckland, W. W., *The Roman Law of Slavery* p. 8 etc.

¹⁰ *Cyrop.* 7 vs. 60–65. Cf. also Haupt's interpretation of DUBBIN in some passages as signifying 'castrate', *ZK* 2, p. 271, *ASKT* 86, l. 62; 60, l. 3.

untranslated. In the birth omen texts *abuttu* has been interpreted 'Fessel' by Jastrow, and 'Sklavenmal' by Dennefeld.¹¹ *Abuttu* is employed with *sabatu* and the expression is translated by Zimmern (*BB* 59) and King,¹² 'to go security for', 'to intercede for'.

Muttatu, commonly translated 'forehead', appears in a Neo-Babylonian sign list translated by Haupt (*Sum. Fam. Ges.* p. 71); a brief bilingual vocabulary in the same work has *muttum*.¹³ Holma¹⁴ stated that *muttatu* referred to the head, probably the forehead, and that it was at least one of the seats of the mark put on slaves. It occurs also in birth omen texts (Jastrow *Rel.* 2. 913). *Muttatu* appears more frequently than the other words involved in this discussion, but in some cases it is clearly to be interpreted other than 'forehead' or 'hair'. In one instance it is an object offered as a gift to a deity, probably meaning a head-band.¹⁵ In K. 2007, Ob. 18 we find *muttat mâti*, here interpreted by Jastrow (*Rel.* 2, 921. n. 8) as 'the front side' of a piece of land, and by Dennefeld (*op. cit.* 54) as a 'part' of the land, but by Frank (*Studien*, 149) as 'Stirne'. Likewise in the birth omen text occurs the expression *muttat lisâni-šu ša imitti la baši*, here referring to a part of the tongue. It has been considered a synonym for *labâru* (*BA* 1, p. 513).

Connected with this discussion is the problem of the interpretation of *bukânu*. This has been supposed to refer to a ceremony which took place at the time of the transaction of a sale, originally a slave sale. Meissner (*MAP* 120) suggests its connection with Talm. מִכְנָס (Mörser)-Stöpsel, Pistill', and denies its connection with βουάνη. Daiches¹⁶ follows Meissner and Delitzsch (*HWB* 172^b); Schorr (*ABR* No. 17, l. 10) follows Meissner and Daiches. Langdon (*ZA* 25, p. 208), in discussing the expression *išu tag*, Semitic *bukanan šutak*

¹¹ *Bab.-Ass. Geburtsomina* 64, l. 20; 109, l. 5; 195, l. 4; cf. also Holma, *Die Namen der Körperteile im Assyrisch-Babylonischen*, p. 18, n. 2.

¹² *Bab. Magic and Sorcery* 169.

¹³ P. 73 (Text II R 36, 63—66), cf. Haupt's comparison with Syriac.

¹⁴ *Die Namen der Körperteile*, p. 35.

¹⁵ Cf. Langdon, *Neubab. Königsinschriften*, p. 70, l. 15. But it may mean 'hair', and be analogous to Nu. 6 18.

¹⁶ *Altbabylonische Rechtsurkunden*, No. 1.

(CT 4, 33^b, 10; 6, 40^b, 8), states that the earliest occurrence of the phrase is in a record of a slave purchase by Lugalušumgal¹⁷, where the expression is *giš-a iḫ-ta-bal-eš*. He concludes that because the phrase occurs in a grammatical text (K. 46) in a section concerning slavery, it was originally connected with slave sales, and that the *bukānu* may have been a die or stamp with a short handle. The beginning of Col. IV of K. 46 is unfortunately destroyed, but these lines evidently relate to the punishment to be inflicted on a runaway slave.¹⁸

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|---|-----------------------------------|
| 3. <i>DUBBIN mi-ni-in-kud</i> | <i>u-(gal-la-ab-šu)</i> |
| a mark they shall cut(?) | they shall brand him, |
| on him, | |
| 4. <i>GAR in-ni-in-sar</i> | <i>ab-bu-ut-tum i-ak-ka-an-šu</i> |
| in fetters they shall place | a fetter they shall put on him. |
| him, | |
| 5. <i>azag-kù in-ni-in-si</i> | <i>a-na kaspi (i-nam-din-šu)</i> |
| for money they shall sell | for money they shall give him |
| him, | |
| 6. <i>šar-a-ni nu uk-si-in-gin</i> | <i>a-na bēl-šu (ul u-tar)</i> |
| to his lord he shall not go | to his lord he shall not return, |
| back, | |
| 7. <i>é šar-a-ni-ta ba-da-ġa-a</i> | <i>is-tu bit bēl-šu</i> |
| from the house of his lord | from the house of his lord he |
| he disappeared. | disappeared. |
| 8. <i>ba-da-ġa-a-ta im-ma-an-gur-eš</i> | <i>is-tu iḫ-li-ku</i> |
| | <i>(i-te-ru-šu)</i> |
| On account of his flight | On account of his flight they |
| they shall return him: | shall turn him: |
| 9. <i>ba-da-ġa-a-ta im-ma-an-si-eš a-ta</i> | <i>is-tu iḫliku u-te-ru-(?)</i> |
| On account of his flight | on account of his flight they |
| they shall turn him from | shall turn him (from man- |
| mankind. ¹⁹ | kind.) |

¹⁷ RA 4 (3), Pl. X, No. 32.

¹⁸ K. 46 in II R 12—13; ASKT 60; AL³ 91 f.; Lenormant, *Choix*, No. 12 p. 20. Earlier interpretations: Oppert *Doc.* p. 10, EA 2 p. 4 ff., 3 p. 1 ff., 223, 226, 232.

¹⁹ OBW 521⁴. Or 'from sonship'.

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|--|---|
| 10. <i>giš gir-gir na-in-gar</i> | <i>kur-ša-a ša-na se-pi-šu</i> |
| In bonds they shall place | A fetter on his feet they shall |
| him, | put, |
| 11. URUDU <i>keš-keš im-ni-in-</i> | <i>šar-šar-ra-ta</i> ²⁰ <i>i-pa-ir</i> |
| <i>sig</i> | |
| bonds of bronze they shall | bonds they shall put on, |
| appoint, | |
| 12. <i>giš i-na ib-ta-an-bal</i> ²¹ | <i>bu-kan-na u-še-ti-ik</i> |
| a wooden shackle he shall | a shackle he shall drag. |
| drag. | |
| 13. <i>lù-da</i> ²² (?) <i>-ga-a giš-e-lu</i> | <i>ha-laq ša-bat</i> |
| An escaped man, verily he | (As) a fugitive captured, |
| was captured, | |
| 14. <i>igi-ni-na ni-in-bal</i> | <i>i-na pa-ni-šu ik-kur</i> |
| on his face shall be made | on his face he shall be made |
| (the mark of) a foreigner. | strange. ²³ |

The first lines of this text show similarity with the *Sumerian Family Laws*. The text seems to indicate that the *bukânu* was a shackle worn on the foot. But Schorr (p. 116) states that this expression is found in land as well as slave sales of northern Babylonia (Babylon, Sippar, Dilbat) from the earliest time to Samšuiluna. The so-called 'slave tags' were of clay, not of wood, else we should be tempted to establish their identity with the *giš GAN-NA* (*bukânu*). Whether the *bukânu* represented the handing over of a staff by the seller to the purchaser as a symbol of agreement is not certain.²⁴ If the *bukânu* was an instrument used for marking a slave it is not likely that it would have been used in land deals.

Langdon finds evidence of a real mark made on a slave in the use of *šindu* = *šimtu*, Code Col. XXII 67, pointing out the suggestion of Ungnad in *OLZ* which offers the interpretation, 'a mark burned into the flesh'. But Langdon concludes that since the Code has a law concerning the *changing*

²⁰ *MA* 1121^b.

²¹ *OBW* 95; cf. also *MA* 152^b.

²² Haupt reads *zu*.

²³ I am indebted to Professor Barton for this interpretation of lines 9, 13, 14.

²⁴ Jastrow, *Civilisation*, 342.

of a slave-mark, the custom might well have been that of painting (*OLZ* 12, p. 113). With this may be compared a document containing the phrase *ši-in-du ša amtu-u-tu*, 'sign of her slavery' (*BA* 4 p. 11).

Keiser²⁵ calls attention to a class of temple officials, the *širaqu*, mentioned in a number of tablets belonging to the Yale Babylonian Collection, — a class of persons who bore a mark with which they were perhaps branded. From No. 120 1. 4, Keiser suggests that this mark, used also on animals, may have been a star. But what function these *širaqu* had, we do not know. It is possible, if *širaqu* is to be identified with the root *šaraqu*, 'to give', that they may have been slaves handed over to the temple as donations. This, however, is purely conjectural.

The slave-mark may have been on the hand (Holma, *op. cit.* p. 120). According to Clay²⁶ a slave was said to be twice branded on the right hand, the expression being *šaṭ-rat*. A mark may, according to Holma (*op. cit.* p. 28), have been made on the ear, similar to the Hebrew custom, Ex. 21 6.

Do any of these theories adequately explain the laws? There appears to be no reason for doubting that *galabu* means *cutting* or *scraping* of some kind, but the real nature is not clear. Code §§ 226, 227 indicate that the operation was performed by a special person who made it his business, and it is to be noted that these laws directly follow those dealing with physicians and their practice. They further indicate, from the seriousness of the penalty attached, that the operation was of importance. Whether *la še-e-im* in this law is to be read 'unsalable' or 'unsightly' has been questioned. The root שים may mean 'fixed', 'decreed', 'purchased'. If all slaves were *galabu*, it is not clear why anyone would want to submit a slave to this operation again; it is therefore more reasonable

²⁵ *Bab. Inscript. in Collection of J. B. Nies*, 1, p. 9.

²⁶ J. P. Morgan 2, p. 35. With this it is interesting to compare No. K. (dated 411 B. C.) in Sayce-Cowley *Assouan-Papyri*, which refers in ll. 4 and 5 to the marking of a slave. Whether *Yod* of the Aramaic is to be interpreted 'hand' has been questioned (p. 48, no. 4). If the real meaning were known, we might find here an interesting analogy between Babylonian and Egyptian Jewish custom.

to suppose that the law refers to a mark of mutilation which would render the slave of no commercial value. And since a Babylonian slave might, if he had sufficient funds, buy his way out of slavery, one questions whether this 'slave-mark' was of a permanent nature, if applied to all slaves. The custom may have been merely the shaving of the head and beard. The prevalence among the Semites of shaving the head, not only as a badge of slavery, but as a sign of mourning, and as a penalty for breaking marriage vows,²⁷ furnishes a strong argument for the existence of the custom among the Babylonians. But this treatment would not be lasting and archaeological evidence shows no uniformity in the representation of headdress or beards of slaves, nor would it seem probable that the shaving of a slave's head without the permission of the owner would require so severe a penalty. Further, the generally accepted theory of Meyer²⁸ that the Sumerians shaved their heads close while the Semites did not, precludes the theory that the slave-mark was merely a cutting of the hair. If the process was that of incising or tattooing on the forehead, it is curious that there is no evidence in the sculpture, even though the human head is usually rendered in profile, of an attempt to distinguish slaves by representing such markings. There is no evidence that incision was made in the ear; the sculptures show that the servile classes wore no ear-ring, while the king and official attendants are seldom depicted without it. It might be conjectured that the incising was done on the top of the head and the hair allowed to grow over it; this would in part satisfy the objection that a freed slave would have to bear his marks for life, always failing to be recognized as a freeman. The testimony of the monuments of the custom of leading captives by means of a hook through the lip, together with the fact that *abuttu* may mean 'fetter', suggests the possibility that a metal ring was attached to a slave, which, upon his being freed, was cut off. K. 46, Col. IV, mentioned above, suggests that a metal fetter was attached to the feet of a fugitive slave as punishment. In this connection

²⁷ *WZKM* 19, p. 91 f.; cf. also Wellhausen, *Reste Arab. Heid.* 195 f.

²⁸ *Sum. und Sem.* p. 24, n. 3.

A document which more than any other seems to shed light on this problem is from the time of Ammiditana, and cites the case of a man who was bought as a slave in a foreign land and later returned to Babylon, his native city (Schorr, 37). After five years, he was summoned and told, *el-li-ta ab-bu-ut-ta-ka gu-ul-lu-ba-at*. The document further states that he was told he could enter the *ridūti*, but that he refused and said he would claim share in his father's estate. It provides that the brothers shall not refuse him this share, even though he has been temporarily reduced to slavery. But the meaning of *el-li-ta ab-bu-ut-ta-ka gu-ul-lu-ba-at* has been thus interpreted: Schorr, 'Du bist frei, deine Sklavenmarke ist (hiermit) abgeschnitten'; Peiser (*KU* 740), 'Deutlich(?) ist Dein Sklavenmal geschnitten'; Johns (*Bab. and Ass.* 176), 'thy *abuttu* is clearly branded'. *Ellita*, from *ellû*, usually means 'bright', 'clean', and is employed in adoption documents to express the ceremony which symbolized the adoption of slaves. It is not clear what the ceremony was, but it seems intended to represent a cleansing. This phrase of our document might mean, 'thou art cleansed, thy mark is cut off'. The fact that this man had been a slave in a foreign land would require his reinstatement as a free citizen, and allow the use of the same word as in an adoption tablet. Now if we interpret this either 'thou art free', or 'thou art cleansed', the whole phrase would imply that the *abuttu* was of such a character that it could be obliterated. If we accept the interpretation of *ellita* as 'clearly', the document becomes more intelligible and offers a partial solution of the question of the nature of the custom.

²⁹ YBC Vol. 3, No. 1. cf. ll. 13—16. Cf. *Bibliotheca Sacra*, 77, No. 307, p. 362.

meš. But Meissner³⁰ read A. EDIN *meš*. It is not certain what class of society these persons belonged to, but in Nikolsky, *Documents*, No. 32, l. 6 the expression designates an official. So far as we now know, the *šabe* was one of the lowest classes of society. This man was told that his *abuttu* was clear and that he could go with the *ridûti*, or overseers of the *šabe*; it was evidently because his *abuttu* was visible that he was classed with the *šabe*. Code § 16 would imply that a fugitive slave was liable to be called to serve as a public slave and K 46 quoted above shows that a fugitive slave was liable to receive a mark which would make him an outcast. § 280 provided that a slave bought in a foreign land, if he returned later to his native city, must be released.³¹ The man mentioned in this document had been a freeman in Babylon, had gone to a foreign country and been reduced to a *warad*, but still bore a mark of slavery. Returning to Babylon, as a *warad* who had been free-born he wished to claim share in his father's estate, but as he had a slave-mark he was assigned to the *ridûti*. It would therefore appear that only the *šabe* had a permanent 'slave-mark'. This theory accounts for the occurrence of the custom in the *Sumerian Family Laws* and the contracts; it accounts for the severity of the punishment inflicted on one who *galabu* a slave without the owner's permission,—such a mark would render him unsalable by a private individual for the mark would make him a public slave, or state property; and it explains § 146 of the Code, for it is to be assumed that women as well as men belonged to the *šabe* class. We still lack evidence to prove the real character of this mark; while archaeological data are wanting to establish what the mark was, documentary evidence strongly indicates that whatever it was, it was of a comparatively permanent nature.

Additional Note: The publication of the newly discovered Assyrian Law Code (Jastrow, *JAOS* 41. 1ff.) presents a few points for discussion in connection with the problem of the marking of slaves. The practice of boring the ear seems definitely to appear in this code. But here it is a penalty, imposed in the one case upon a man who allows a harlot to

³⁰ M 8813, and cf. *HWB* 79a.

³¹ Cf. *WZKM* 22, pp. 385—98.

appear veiled, § 39, and in the other upon a person who holds another for debt, § 43. In the former law it is further stipulated that the offender shall serve one month's royal service. Does the connection of these two penalties imply that the infliction of the one made suitable the performance of the latter? Attempt has been made in this article to indicate the possibility that since not all who were slaves had a mark, and since the mark appears to have been permanent and something of a disgrace, it was only persons of the lowest class of slaves who bore a real mark. It may be, therefore, that § 39 tends to corroborate this theory. But the statement of the custom of boring the ear, analogous to the Hebrew practice of the Covenant Code, does not prove that this was the method of marking slaves in general or public slaves in particular. Furthermore, § 4 legislates that the penalty imposed upon a male or female slave who receives stolen goods be the cutting off of the nose and ear. This same penalty is imposed in other instances, cf. §§ 4, 5, 39, where the offender is not a slave. The purpose of the penalty seems to be to inflict punishment and disfiguration. If the ear was the member that bore the sign of servitude, is it probable that it would have been cut off? If the boring of the ear in the manner designated was practised on a large group of persons, and not merely on the occasional offender, again we ask, why do we find no trace of it in sculpture? The Assyrian Code unfortunately does not throw any new light on the Mesopotamian custom in question.